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JUL 13 2000

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|-------------------------------------|---|-------------------|
| In re Application of | : | |
| AOKI et al | : | DECISION ON |
| Application No.: 09/486,981 | : | |
| PCT No.: PCT/JP98/03917 | : | PAPERS FILED |
| Int. Filing Date: 02 September 1998 | : | |
| Priority Date: 02 September 1997 | : | UNDER 37 CFR 1.42 |
| Attorney's Docket No.: 1576.79 | : | |
| For: MOLECULAR COMPOUNDS CONTAINING | : | AND 1.44 |
| PHENOL DERIVATIVES AS CONSTITUENT | | |

This is a decision on "submission under 37 C.F.R. § 1.44" filed 28 February 2000.

BACKGROUND

On 28 February 2000, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted a declaration signed by three of the four inventors. The declaration was also signed by, Midori AOKI as legal representative of deceased inventor, Izuo AOKI. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

In addition, to the above, applicants' representative submitted a copy in Japanese of the Certification of the family-registry of inventor Mr. Izuo AOKI, along with an English translation, and a Declaration by Hiroyuki IMAGAWA that the translation into English is the official certification of the family-register of Mr. Izuo AOKI.

The documents submitted, however, are insufficient to establish the proof of authority under 37 CFR 1.44. Applicant has submitted a copy the Family-registry of the deceased inventor. While indicating that Ms. Aoki is the widow of Mr. Aoki, the Family-registry fails to indicate that she is the legal representative of his estate. For the above reasons, the papers can not be accepted under 37 CFR 1.44. Applicant is encouraged to file the required proof of

authority as soon as possible so that the application does not experience delays.

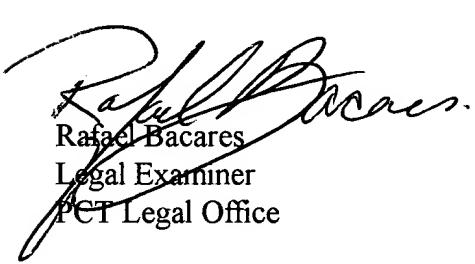
CONCLUSION

The papers filed under 37 CFR 1.42 is ACCEPTED. The proof of authority under 37 CFR 1.44, however, is not accepted.

It is noted that proof of the authority of the executor in compliance with 37 CFR 1.44 MUST be submitted before the grant of a patent.

Also, it is the responsibility of the patent examiner of the application to ensure that proof of authority of the legal representatives has been submitted, and to determine whether the proof of authority is sufficient. If after reviewing the submitted proof of authority the patent examiner ultimately determines that the authority to execute the application does not lie with the person(s) who executed the oath or declaration of the inventor on behalf of the deceased inventor.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The application has a date of **28 February 2000** under 35 USC 371 and 102(e).



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